

Introduced by Senator Gaines

February 17, 2011

An act to add Section 115843.6 to the Health and Safety Code, relating to drinking water.

LEGISLATIVE COUNSEL'S DIGEST

SB 577, as introduced, Gaines. Bear Lake Reservoir: recreational use.

Existing law, with certain exceptions, prohibits recreational use, in which there is bodily contact with water, in a reservoir in which water is stored for domestic use and establishes water standards for those exempted reservoirs.

This bill would, in addition, exempt from this prohibition recreational activity in which there is bodily contact with water by any participant in Bear Lake Reservoir and would establish standards to be met, including water treatment, monitoring, and reporting requirements.

This bill would make legislative findings and declarations as to the necessity of a special statute for the Bear Lake Reservoir.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 115843.6 is added to the Health and
- 2 Safety Code, to read:
- 3 115843.6. (a) In the Bear Lake Reservoir, recreational uses
- 4 shall not include recreation in which any participant has bodily
- 5 contact with the water, unless all of the following conditions are
- 6 satisfied:

1 (1) The water shall receive ongoing complete water treatment,
2 including coagulation, disinfection, filtration, flocculation, and
3 sedimentation, or an alternative filtration system that provides an
4 equivalent degree of pathogen removal in compliance with all
5 applicable department regulations before being used for domestic
6 purposes. The disinfection shall include, but is not limited to,
7 ozonation or ultraviolet disinfection capable of inactivating
8 organisms including virus, cryptosporidium, and giardia, to levels
9 that comply with department regulations.

10 (2) The Lake Alpine Water Company conducts a monitoring
11 program for total coliform bacteria, which includes E. coli and
12 fecal coliform, at the reservoir intake at a frequency determined
13 by the department.

14 (3) The reservoir is operated in compliance with regulations of
15 the department.

16 (b) The recreational use of that reservoir shall be subject to
17 additional conditions and restrictions adopted by the entity
18 operating the water supply reservoir, or required by the department,
19 that are required to further protect or enhance the public health
20 and safety and do not conflict with regulations of the department.
21 The department shall, prior to requiring any additional conditions
22 and restrictions, consult with the entity operating the water supply
23 reservoir regarding the proposed conditions and restrictions at least
24 60 days prior to the effective date of those conditions and
25 restrictions.

26 (c) The Lake Alpine Water Company shall file, on or before
27 January 1, 2012, with the Legislature and the department, a report
28 on the recreational uses at Bear Lake Reservoir and the water
29 treatment program for that reservoir. That report shall include, but
30 is not limited to, all of the following information:

31 (1) The estimated levels and types of recreational uses at the
32 reservoir on a monthly basis.

33 (2) The levels of methyl tertiary butyl ether taken at various
34 reservoir locations on a monthly basis, unless the use of watercraft
35 with gasoline-powered engines is prohibited.

36 (3) A summary of monitoring in the Bear Lake Reservoir
37 watershed for cryptosporidium and giardia.

38 (4) The sanitary survey of the watershed and water quality
39 monitoring plan.

1 (5) An evaluation of recommendations relating to inactivation
2 and removal of cryptosporidium and giardia.

3 (6) Annual reports provided to the department as required by
4 the water permit issued by the department.

5 (7) An evaluation of the impact on source water quality due to
6 recreational activities on Bear Lake Reservoir, including any
7 microbiological monitoring.

8 (8) A summary of any activities for operation of recreational
9 uses and facilities in a manner that optimizes the water quality.

10 (9) The reservoir management plan and the operations plan.

11 (10) The annual water reports submitted to the consumers each
12 year.

13 (d) If there is a change in operation of the treatment facility or
14 a change in the quantity of water to be treated at the treatment
15 facility, the department may require the entity operating the water
16 supply reservoir to file a report that includes, but is not limited to,
17 the information required pursuant to subdivision (c), and the entity
18 shall demonstrate to the satisfaction of the department that water
19 quality will not be adversely affected.

20 SEC. 2. The Legislature finds and declares that a special law
21 is necessary and that a general law cannot be made applicable
22 within the meaning of Section 16 of Article IV of the California
23 Constitution because of the unique circumstances in the Bear Lake
24 Reservoir. The facts constituting the special circumstances are:

25 Recreational activities have occurred at Bear Lake Reservoir
26 but ceased due to the requirements of Section 115825 of the Health
27 and Safety Code. The Lake Alpine Water District will significantly
28 increase water treatment through new water treatment projects at
29 the reservoir before bodily contact can resume, and the district
30 will provide information to the Legislature regarding certain issues
31 to ensure that any recreational uses at the reservoir do not affect
32 the provision of domestic water to district customers.